

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**Patricia Forbes, Individually  
And on Behalf of all the Wrongful  
Death Beneficiaries of Rafael Forbes,  
Deceased**

**Plaintiff**

**Vs.**

**Cause No. 3:09 cv 423 HTW-LRA**

**The City of Jackson, Mississippi;  
TASER International, Inc.;  
John Doe Corporations, 1-5; and,  
John Does, 1-5**

**Defendants**

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**PLAINTIFF'S MOTION FOR AN EXTENSION OF THE AMENDED  
SCHEDULING ORDER DEADLINES, OR IN THE ALTERNATIVE, MOTION TO  
WITHDRAW AS COUNSEL**

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**COMES NOW** the Plaintiff, Patricia Forbes (hereinafter referred to as "Plaintiff"), by and through her undersigned counsel, and files this her Motion for an Extension of the Amended Scheduling Order Deadlines, or in the Alternative, Motion to Withdraw as Counsel in the above-styled action. In support thereof, Plaintiff will show unto the Court the following:

1. Defendant TASER filed its Answer to Plaintiff's Amended Complaint on or about January 19, 2010.
2. Since the filing of Defendant TASER's Answer, only approximately (90) ninety days have passed and the Plaintiff has not had enough time to fully develop and outline her claim for damages given the timelines imposed by the Court.

3. Plaintiff's experts have advised that they cannot meet the April 19, 2010 scheduling order deadline due to their own busy schedules, spring break, and other intervening circumstances that have prevented them from accurately and thoroughly preparing their expert reports.

4. Plaintiff's counsel had a two week trial set for April 12, 2010 in Memphis, Tennessee which was continued only on April 9, 2010, the Friday before trial.

5. Plaintiff's counsel has newly discovered evidence that the decedent received a physical assault by the police officers. There are two eyewitnesses to the assault.

6. On information and belief, the combination of the Taser shock and the physical assault by the police officers caused and/or contributed to the death of Rafael Forbes. Plaintiff has presented this evidence to a pathologist, but the pathologist needs additional time in order to develop this newly discovered evidence and present it in the form of a detailed expert opinion.

7. Plaintiff's counsel has also submitted this information to Dr. Coleman Pratt and Professor James Bell, but neither has had an adequate amount of time to conduct a full medical analysis and also a full review of the materials provided to them for review, given the new context, in order to provide Plaintiff with an expert report within the deadlines imposed by the Court.

8. This motion is not brought for delay but so that justice may be served based on the discovery of newly available evidence and the requirement that Plaintiff may have an additional expert.

**AND NOW**, having fully advised the Court of the matters set forth herein and above, in the alternative, counsel for Plaintiff files this their Motion to Withdraw as Counsel, and would show unto the Court the following matters, to wit:

Halbert E. Dockins Jr. and the Law Offices of Dockins Turnage & Banks, PLLC, representing the Plaintiff, Patricia Forbes, move this Court for an Order granting him and the Law Offices of Dockins Turnage & Banks, PLLC, permission to withdraw as counsel for Plaintiff Patricia Forbes, and respectfully request that the Court allow Plaintiff an additional ninety (90) days to find other counsel.

**WHEREFORE, PREMISES CONSIDERED**, Plaintiff moves the Court for an extension of scheduling deadlines and for a new Scheduling Order allowing all parties a reasonable amount of time to conduct on-going discovery and to file final Expert Designations and Reports in this matter, or in the alternative, to allow counsel for the Plaintiff Patricia Forbes to withdraw as counsel and to grant her an additional (90) ninety days to find other counsel for representation.

**Respectfully Submitted,  
Patricia Forbes**

BY: s:/Halbert E. Dockins Jr., Esq.  
**Halbert E. Dockins Jr., MSB# 6138**  
**One of the Attorneys for Plaintiff**

Of Counsel:

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**CERTIFICATE OF SERVICE**

I, Halbert E. Dockins Jr., hereby certify that a true and correct copy of the foregoing Motion has been served electronically via the ECF system to the following:

Claire Barker Harkins, Esq.  
Office of the City Attorney  
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**Counsel for Defendant City of Jackson**

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**Counsel for Defendant TASER International, Inc.**

This the 16<sup>th</sup> day of April, 2010.

BY: s:/Halbert E. Dockins Jr., Esq.  
**Halbert E. Dockins Jr., MSB# 6138**

